

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SIEMENS PRODUCT LIFECYCLE
MANAGEMENT SOFTWARE, INC.,

Plaintiff,

v.

DOES 1- 100,

Defendants.

USDC SDNY
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DATE FILED: JUL 09 2014

Case No.: 14-cv-1926

Ordered

*IPTC adjourned to
September 2, 2014 at
2pm. [initials]*

7/9/14

PLAINTIFF'S STATUS REPORT AND MOTION FOR CONTINUANCE

Pursuant to the Court's April 4, 2014 Order, Plaintiff Siemens Product Lifecycle Management Software, Inc. ("Siemens PLM"), by its counsel, hereby submits the following Status Report and further moves the Court for a continuance of the initial pre-trial conference to August 14, 2014 to allow Siemens PLM time to receive all of the responses to its subpoenas.

1. On April 21, 2014, this Court granted Siemens PLM's Motion for Discovery Pursuant to Fed. R. Civ. P. 26(d)(1) and permitted Siemens PLM to serve a subpoena on nonparties Road Runner Holdco, LLC ("Road Runner"), Comcast Corporation ("Comcast"), Verizon Communications, Inc. ("Verizon"), and Cox Communications ("Cox") (collectively, the "Third Party ISP's") for identifying information regarding Defendants Does 1-100.

2. On May 7, 2014, Siemens PLM served Verizon, Comcast, Cox and Road Runner (c/o Time Warner Cable) with the subpoena and enclosed a copy of the Court's April 21, 2014 Order. Copies of the respective Affidavits of Service are attached hereto as **Exhibit A**.

3. On May 27, 2014, Verizon informed Siemens PLM that additional information was required to properly identify the parties and stated that the requested identities could not be obtained using the information contained in the subpoena. Siemens PLM worked with Verizon

to address this issue and, though it has been resolved, Verizon was delayed in notifying its customers.

4. Siemens PLM is informed and believes that upon identifying the Doe Defendants – per the Court’s Order – Verizon notified the identified parties and provided them with a copy of the subpoena and underlying Complaint filed by Siemens PLM. Siemens PLM expects to receive a response to its subpoena on Verizon within a week or so.

5. Following additional investigation by Siemens PLM, the subpoena served on Road Runner was withdrawn but reserved Siemens PLM’s right to seek information at a later time.

6. Siemens PLM is informed and believes that Cox has identified and notified the Doe Defendants and will be providing a response to Siemens PLM’s subpoena shortly.

7. On June 30, 2014, Siemens PLM received Comcast’s response to Siemens PLM’s subpoena that identified a number of the Doe Defendants.

8. After being notified by one of the Third Party ISPs, a number of the Doe Defendants have contacted Siemens PLM directly to discuss potential resolution of Siemens PLM’s claims. Siemens PLM has obtained amicable resolution with some of those Doe Defendants.

9. Siemens PLM has been diligently working to communicate with the identified parties to resolve this matter without the need for further litigation. Thus far, Siemens PLM has been able to reach resolution with several parties.

10. To allow Siemens PLM time to receive and evaluate the responses to be provided by Cox and Verizon, Siemens PLM requests a continuance of the initial pretrial conference to August 14, 2014.

WHEREFORE, Siemens PLM respectfully requests that the Court enter an Order granting Siemens PLM's motion for continuance of the initial pre-trial conference to August 14, 2014.

Dated: July 8, 2014

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/s/Peter C. Gourdine

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